

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PATRICIA HARRIS LEE,	-----X	
	:	
Plaintiff,	:	07 CV 6733 (CM)
	:	
v.	:	<u>NOTICE OF MOTION</u>
	:	
SONY BMG MUSIC ENTERTAINMENT, INC.	:	
and BARBARA WARNOCK-MORGAN,	:	
Individual,	:	
	:	
Defendants.	:	
	-----X	

PLEASE TAKE NOTICE that upon this Notice of Motion, dated February 8, 2008, the Declaration of Clemon Williams, dated February 6, 2008, with exhibits, including the Amended Complaint dated November 29, 2007, Declaration of Barbara Warnock-Morgan, dated February 6, 2008, the accompanying supporting memorandum of law, dated February 7, 2007, the Rule 56.1 Statement, dated February 7, 2008, and upon all prior proceedings heretofore had herein, Defendant SONY BMG MUSIC ENTERTAINMENT ("SONY BMG") and Barbara Warnock-Morgan, by their attorneys, Jonathan D. Davis, P.C., will move this Court, in accordance with Rule 6.1 of the Local Civil Rules of the Southern and Eastern Districts, before the Honorable Colleen McMahon, at the United States District Courthouse, Courtroom 21B, 500 Pearl Street, New York, New York 10007, for an order, pursuant to Rules 12(b)(6) and 56(b), Fed. R. Civ. P., dismissing the Amended Complaint for failure to state a claim upon which relief

can be granted and/or for summary judgment in favor of SONY BMG, together with such other and further relief as the Court deems just and proper.

Answering declarations and memorandum of law, if any, shall be served in accordance with Local Rule 6.1(b) unless otherwise agreed to by the parties or ordered by the Court.

Dated: February 8, 2008
New York, New York

JONATHAN D. DAVIS, P.C.

A handwritten signature in dark ink, appearing to read 'Jonathan D. Davis', is enclosed within a large, hand-drawn oval. The signature is stylized and cursive.

By:

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MUSIC ENTERTAINMENT and
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